

Message Text

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FM AMCONSUL ISTANBUL

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C O N F I D E N T I A L ISTANBUL 1121

C O R R E C T E D C O P Y (TEXT)

E.O. 11652: GDS

TAGS: CASC, TU (HAYES, WILLIAM)

SUBJECT: WILLIAM HAYES

REF: ANKARA 5328

1. CONOFF MET JULY 25 WITH EKREM ONUR, ONE OF TWO HAYES LOCAL ATTORNEYS, AND WITH WILLIAM HAYES, SR, WHO CURRENTLY IN ISTANBUL IN CONNECTION SON'S SCHEDULED JULY 31 HEARING. AT THAT HEARING DEFENSE PLANS TO SEEK POSTPONEMENT UNTIL REGULAR COURT CONVENES SEPT 5. AS EXPTECTED ATTORNEY INDICATED BEST HAYES CAN HOPE FOR IS 30 YEARS AND THAT THEREFORE HE NOW CONCENTRATING ON COURSE TO BE FOLLOWED AFTER SENTENCING. ONUR SAW THREE ALTERNATIVES ALL OF WHICH WOULD REQUIRE ACTION BY AMBASSADOR MACOMBER. THESE WERE PRESENTED FOR MR. HAYES TO CONSIDER AND HE IN TURN SOUGHT CONOFF'S ADVICE AS TO FEASIBILITY.

2. FIRST, ONUR SUGGESTED FORMAL REQUEST FROM AMBASSADOR TO TURKISH MIN JUSTICE TO HAVE HAYES TURNED OVER TO US AUTHORITIES FOR SERVING OF SENTENCE IN US IN ACCORDANCE WITH TURKISH LAW NO. 647, SECTION 18. ONUR CLAIMED TO HAVE SOUNDED OUT POSSIBILITIES WITH CONCERNED AUTHORITIES AND BELIEVES SUCH A REQUEST WOULD BE APPROVED. IN ADDITION, HE SAID THAT AMB ESENBEL PLANNED TO TAKE UP THIS POSSIBILITY
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WITH AMB MACOMBER DURING FORTHCOMING TRIP TO ANKARA. IN

SAME CONNECTION MR. HAYES SHOWED CONOFF COPY OF CABLE FROM NEWSDAY TO LOCAL REP SAMIH COHEN INDICATING THAT HAYES' US ATTORNEY SUTTON AND SENATOR BUCKLEY NOW STUDYING LEGAL POSSIBILITIES HAVING HAYES TURNED OVER TO QTE US JURISDICTION UNQTE AND THAT THEY WERE QTE OPTIMISTIC UNQTE ABOUT CHANCES. CONOFF WAS ASKED HIS OPINION AND REPLIED THAT HE SAW AT LEAST TWO OBSTACLES: FIRST, IT HIS UNDERSTANDING THAT LAW IN QUESTION CALLED FOR RECIPROCAL EXCHANGE OF PRISONERS AND THAT US HAD NO LEGISLATION ENABLING IT TO RECIPROCATE; AND TWO, CONOFF COULD NOT CONCEIVE OF ANY CIRCUMSTANCES UNDER WHICH HAYES COULD BE PLACED IN US JAIL WITHOUT BEING CONVICTED BY US COURT AND THAT NO US COURT HAD JURISDICTION IN PRESENT CHARGES AGAINST HAYES.

3. DEPT FYI: TURKISH LAW NO. 647, SECTION 18 READS AS FOLLOWS: UPON RECOMMENDATION OF THE MINISTRY OF JUSTICE, THE COUNCIL OF MINISTERS MAY DECIDE THAT EXECUTION OF PUNISHMENTS RESTRICTING LIBERTY WHICH ARE GIVEN BY TURKISH COURTS, AND TO WHICH FOREIGN NATIONALS ARE SENTENCED, SHALL BE TURNED OVER TO PUNISHMENT EXECUTING AGENCIES OF THE STATE THE CONVICTED PERSON IS FROM, ON THE CONDITION OF A RECIPROCAL BASIS, AND ON THE CONDITION THAT THE PUNISHMENT SHALL BE EXECUTED AS CITED, AND PROVIDED THAT PROVISIONS CONTAINED IN THE AGREEMENTS ARE RESERVED.

4. SECOND POSSIBILITY RAISED BY ONUR WOULD BE FOR MR. HAYES TO FINANCE LOBBYING WITH PARLIAMENTARY COMMITTEE DRAFTING AMNESTY BILL TO SEEK INCLUSION IN BILL OF PROVISION FREEING ALL FOREIGN PRISONERS. AT SAME TIME, AMBASSADOR MACOMBER WOULD AT APPROPRIATE LEVEL OBSERVE WHAT A FINE FIGURE TURKEY WOULD CUT ON THE INTERNATIONAL SCENE IF, IN CONNECTION WITH THE 50TH ANNIVERSARY, IT WERE TO FREE ALL FOREIGN PRISONERS. CONOFF STATED THAT HE SAW NO OBJECTION TO PRIVATE LOBBYING ON HAYES BEHALF IN CONNECTION AMNESTY BILL, BUT THAT HE COULD NOT SPEAK FOR AMBASSADOR MACOMBER ON THIS POINT. HE OBSERVED, HOWEVER, THAT THE AMBASSADOR DID NOT CUSTOMARILY SEEK TO INTERVENE IN TURKISH LEGISLATIVE PROCESS.

5. THIRD POSSIBILITY WOULD BE FOR WILLIAM HAYES JR. TO REQUEST PRESIDENTIAL PARDON. AT APPROPRIATE MOMENT AMB MACOMBER
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WOULD MAKE SPECIAL PLEA FOR GRANTING OF PARDON. AGAIN CONOFFS VIEWS WERE SOLICITED AND AGAIN HE OBSERVED THAT HE COULD NOT SPEAK FOR THE AMB.

6. CONOFF TOOK OPPORTUNITY TO REEMPHASIZE TO MR. HAYES AND ATTORNEYS IMPORTANCE OF AVOIDING ANY PUBLICITY OR ANY INDICATION THAT US MIGHT BE ASKED TO INTERVENE IN CASE UNTIL AFTER SENTENCE PASSED.

7. COMMENT: CONOFF UNDER IMPRESSION THAT MR. HAYES PLANS TO RELAY THESE THREE ALTERNATIVES TO SUTTON AND NEWSDAY CONTACTS. CONOFF FURTHER BELIEVES THAT HAYES WILL URGE THAT DESPITE CONOFFS DOUBTS AS TO FEASIBILITY FIRST ALTERNATIVE BE PURSUED, I.E., FORMAL REQUEST UNDER TURKISH LAW NO. 647. THUS IT SEEMS QUITE LIKELY THAT IF DEPT HAS NOT ALREADY BEEN APPROACHED ON THIS QUESTION, IT MAY BE IN NEAR FUTURE.
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